

APPEAL NO. 021151
FILED JULY 1, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 10, 2002. The record closed on April 19, 2002. The hearing officer determined that appellant/cross-respondent (claimant) sustained a compensable lumbar strain injury on _____; that the injury did not extend to a herniated disc at L5-S1; that claimant had disability from _____, through November 25, 2001, and that respondent/cross-appellant (carrier) could not reopen the issue of compensability based on newly discovered evidence. Claimant appealed the determinations regarding extent of injury and disability only, based on sufficiency grounds. Carrier responded that the hearing officer did not err in making the complained-of determinations. In a cross-appeal, carrier contended that the hearing officer erred in determining that carrier's contest of compensability was not based on information that could not have been discovered earlier and in concluding that carrier could not reopen the issue of compensability.

DECISION

We affirm.

We have reviewed the complained-of determinations in claimant's appeal and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

Regarding carrier's appeal, the hearing officer could and did find that carrier failed to show that it could not have discovered the evidence earlier. We conclude that the hearing officer did not err in concluding that carrier was not entitled to reopen the issue of compensability in this case.

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **AMCOMP ASSURANCE CORPORATION** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Michael B. McShane
Appeals Judge